

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1, 3-7, 10, 15, and 26-34 were pending in the present application. By way of this submission, claims 32 and 34 are cancelled without prejudice or disclaimer. Also by way of this submission, claims 35-38 are added. Accordingly, claims 1, 3-7, 10, 15, 26-31, 33, and 35-38 are now pending in the present application. Claims 1, 33, and 35 are independent. The remaining claims depend, either directly or indirectly, from claims 1 and 35.

Claim Amendments

Independent claims 1 and 33 are amended to incorporate the subject matter of now-cancelled dependent claims 32 and 34, respectively. Applicant respectfully asserts no new matter is introduced by way of these amendments.

Rejections under 35 U.S.C. § 102

Claims 1, 3-7, 10, 15, and 26-34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2004/0049573 (hereinafter "Olmstead"). By way of this submission, claims 32 and 34 are cancelled and thus the rejection is moot as to those claims. As for the remaining claims, for the reasons set forth below, this rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the

elements must be arranged as required by the claim and all words in a claim must be considered in judging the patentability of that claim against the prior art. *See*, MPEP § 2131 and § 2143.03.

Amended independent claim 1 explicitly requires, at least: (i) a first node comprising a first replicated service exist; (ii) the first node generate and send a request to replace the first replicated service when the first replicated service becomes unavailable; (iii) the first node receive a response to the request from a second node indicating the second node includes a replacement for the first replicated service; (iv) the first node route a request for the first replicated service to the second node based on the response; and (v) the first node and the second node belong to a plurality of nodes comprising a first subset of nodes and a second subset of nodes, where the first node is in the first subset and the second node is in the second subset, and where the first node is configured to send the request to the second subnet only when the first subnet does not provide a replacement for the first replicated service. Amended independent claim 33 recites similar limitations.

The Examiner contends Olmstead discloses requirement (v) of the amended independent claims. *See*, Action at page 6. Applicant respectfully disagrees with the Examiner's contentions. In fact, in the portions of Olmstead cited by the Examiner, Olmstead merely discloses multiple nodes connected by two networks. *See*, Olmstead at Figure 4. Contrary to the Examiner's contentions, Olmstead is completely silent regarding partitioning the multiple nodes into at least a first subset and a second subset for the purpose of locating a replacement for a service of a node. Moreover, Olmstead is completely silent regarding a node in the first subset that sends a request to nodes in the second subset, if and only if none of the nodes in the first subset can provide said replacement for the service of the node. Thus, Olmstead fails to disclose at least requirement (v) of the amended independent claims.

The Examiner contends that Olmstead discloses requirements (i)-(iv) of the amended independent claims. *See*, Action at pages 2 and 3. Applicants respectfully disagree with the Examiner's contentions. Specifically, Applicants respectfully assert the Examiner is mischaracterizing Olmstead, which is improper.

Olmstead is directed to managing nodes in clusters of multiprocessor systems. *See*, Olmstead at abstract. Specifically, in Olmstead's clusters, one or more nodes are designated as "managers." A manager is "responsible for detecting both new nodes in the cluster and the nodes that may have failed in the cluster." *See*, Olmstead at paragraph [0031]. When a node fails, the manager broadcasts a message to the node's subscribers to notify them of the failure. If the manager itself fails, the failure is detected by either a client or a backup manager, and the backup manager becomes the manager. *See*, Olmstead at paragraphs [0057] and [0061]. New managers and/or backup managers are selected using a ballot mechanism among the nodes in the cluster. *See*, Olmstead at paragraphs [0032]-[0033]. In short, when a node fails (*i.e.*, a manager fails, a backup manager fails, or client node fails), *other nodes* in the cluster are responsible for detecting and managing the failure.

In view of the above, specifically the responsibilities of the other nodes, Olmstead cannot disclose a first node comprising a first replicated service, where the first node *itself* generates a request to replace the first replicated service when the first replicated service is unavailable, and where the first node *itself* receives a response to the request from a second node indicating the second node comprises a replacement for the first replicated service, as recited by the amended independent claims. Further, Olmstead also cannot disclose the first node *itself* routes a request for the first replicated service to the second node based on said response, as also

recited by the amended independent claims. Accordingly, Olmstead also cannot satisfy requirements (i)-(iv) of the amended independent claims.

In view of the above, Olmstead fails to disclose each and every limitation of amended independent claims 1 and 33. Thus, the Examiner's contentions and the cited prior art do not support a rejection of amended independent claims 1 and 33. Claims 3-7, 10, 15, and 26-31 depend, either directly or indirectly, from independent claim 1. Thus, the Examiner's contentions and the cited prior art also do not support a rejection of claims 3-7, 10, 15, and 26-31, and withdrawal of this rejection is respectfully requested.

New Claims

Claims 35-38 are added by way of this submission. Applicants respectfully assert no new matter is introduced by way of these new claims as support for these new claims may be found, for example, in paragraphs [0017]-[0019], [0027], [0035], and [0036] of the originally filed specification, in the corresponding figures, and in the originally filed claims.

Applicant respectfully asserts the cited prior art fails to disclose at least "a first node comprising a first router, a first application executing on a first operating system for performing a service, and a cache table having an entry indicating an availability of the service on the first node; a second node comprising a second router and a second application executing on a second operating system for performing the service, wherein the second node is configured to send a request to replace the service to the first node after failure of the second application...wherein the first node is configured to compare the request to replace the service with the entry and send a response to the second node using the mesh interconnect, wherein the second node is configured to route a request for the service to the first node based on the response, and wherein the first application is different than the second application," as recited by new independent

claim 35. Thus, new claim 35 is patentable over the cited prior art. New claims 36-38 depend directly from new independent claim 35. Thus, new claims 36-38 are patentable for at least the same reason.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 33226/358001).

Dated: December 4, 2008

Respectfully submitted,

By /Robert P. Lord/
Robert P. Lord
Registration No.: 46,479
OSHA · LIANG LLP
3945 Freedom Circle, Suite 300
Santa Clara, California 95054
(408) 727-0600
(408) 727-8778 (Fax)
Attorney for Applicant